

**TOWN OF KITTERY, Maine  
PLANNING BOARD MEETING  
Council Chambers**

**UNAPPROVED  
AUGUST 25, 2016**

**Meeting called to order at 6:00 p.m.**

**Pledge of Allegiance**

**Roll Call:**

Board Members Present: Robert Harris, Dutch Dunkelberger, Brett Costa, Vice-Chair Karen Kalmar, Debbie Driscoll-Davis, Mark Alesse, Chair Ann Grinnell

Staff Present: Chris DiMatteo, Town Planner

Chair Grinnell requested Item 4 be presented as the first item of New Business. The Board was in consensus.

**Minutes: July 14, 2016**

Line 15 - Replace "Rick" with "Richard Sparkowich"

Page 3, Paragraph A - findings should be Town Fire Chief

Line 166 - Replace "harsher" with "more restrictive"

Line 297 - Clarify discussion by replacing with "It was suggested by staff that there is a slope issue. After further discussion, the Board decided the structure would not have to move.

Page 18 - Conditions are misnumbered

Page 19, Item 6 – Conditions and approval does not have a number 6 and numbering is out of order. Mr. DiMatteo mentioned the draft Board members had at the time was accurate but was not read into the Minutes. He will look into the this.

Page 21, Line 399 - The vote will be added

Line 667 – Change "he" to "the" and "Dinkelberger" to "Dunkelberger"

Line 700 – Add who made the motion,

Line 29 – Replace "mother-in-law" with "mother"

Line 150 - Replace "property" with "structure"

Lines 284-285 – Change Earldean to one word

Line 284 - Correct spelling of Dean "Rykerson"

**Mr. Dunkelberger moved to accept the July 14, 2016 Minutes as amended.**

**Ms. Driscoll-Davis seconded.**

**The motion passed 7-0-0.**

**Minutes: July 28, 2016**

Line 43 – Change to "the intent is to ensure the interval of intentions is defined"

line 42 -Replace "S" with "Parcel A's reserved open space"

Line 61 – Change to "Quiet Pine Road" not "White Pine Road". Add "the Board did not agree to this suggestion. Change next sentence to read "to woods road (the trail between the vernal pools) being unprotected could allow potential expansion to be made to a 20-foot gravel trail through the open space and to include a prohibition of paving, that trail has as a condition of approval.

Line 70 - Change "heaving" to "heavy"

Line 85 – Add "Repair damage to either road caused by construction is the responsibility of the applicant."

**Mr. Dunkelberger moved to accept the July 28, 2016 Minutes as amended.**

47 **Ms. Driscoll-Davis seconded.**

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49 **Motion passed 6-1-0.**

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51 **Minutes: August 11, 2016**

52 Line 42 – Wetlands- change to “Mr. Wood - agent and wetlands scientist from New Hampshire”

53 Line 48- Add “CMA or independent wetland specialist”

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55 **Mr. Dunkelberger moved to accept the August 11, 2016 Minutes as amended.**

56 **Ms. Driscoll-Davis seconded.**

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58 **The Motion passed 5-1-1**

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60 **PUBLIC COMMENTS:** Chair Grinnell opened the floor for public comment.

61 There were no comments.

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63 **NEW BUSINESS**

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65 **ITEM 1 – Town Planner Items**

66 A. Request to reschedule 9/22/2016 meeting.

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68 **Ms. Driscoll-Davis made a motion to reschedule the September 22, 2016 meeting to September 29,**  
69 **2016 per Mr. Matteo’s request.**

70 **Mr. Dunkelberger seconded.**

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72 **The motion passed 7-0-0.**

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74 B. Other Matters

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76 Mr. DiMatteo reminded the Board of the time change for the site walk at 412 Haley Road to 8:00 a.m.  
77 instead of 1:00 p.m.

78  
79 Mr. DiMatteo described discussion from the recent Town Council meeting regarding parking issues in the  
80 foreside. He explained the Town Manager has been receiving complaints that employees in that area are  
81 using parking spaces on the street for long periods of time. Mr. DiMatteo is sending out an RFP for a study  
82 of the foreside area through grant money from the Maine Department of Transportation and Kittery Area  
83 Comprehensive Transportation Systems and will provide a copy to the Board for reference. A study has  
84 not been done since the late 1990s. This would give the opportunity to include community vision. Ms.  
85 Driscoll-Davis expressed her concern with past studies creating unintended consequences to the Town.

86  
87 Mr. DiMatteo announced the workshop with the Comprehension Planning Committee that was supposed  
88 to have taken place this evening, has been cancelled. He decided to meet with them on September 16<sup>th</sup> in  
89 order to review the drafts and then present them to the Board for review. The Board agreed.

Mr. DiMatteo asked the Board if they would like to proceed with a workshop with the Economic Development Committee. Chair Grinnell agreed and would prefer the meeting to be held on September 29<sup>th</sup>. Chair Grinnell also requested to have the workshop documentation provided again to the Board.

Mr. Costa asked if the study of the foreshore area, which was discussed earlier, would be non-binding. Mr. DiMatteo replied it is not binding and will be a good opportunity for the Town. He further explained any major changes will be reviewed beforehand. Mr. DiMatteo also explained the Town will pay 20% and the State will pay 80% for the study. Ms. Driscoll-Davis mentioned the inaccuracy of a previous study and reiterated her concerns of another study being done at the cost to the Town. Mr. DiMatteo stated he is not in favor of providing the Board the RFP to redline and give back to him beforehand because his office is working with the DOT and he believes it will prolong the process. Board members expressed their concerns of being obligated to the study and how the money is spent. In the past, money ran out before the project was completed. Chair Grinnell asked about the bypass study done in the past. Mr. DiMatteo explained there are new people in place now and the bypass report and the 1998 report will be taken into consideration. Chair Grinnell recommends going into this study with caution.

**ITEM 2 – Town Code Amendments – 16.4.4.14 – Non-stormwater Discharge; 16.9.7 Non-stormwater Discharge**

Action: Review amendment. Schedule a public hearing. The proposed amendments provide clarity concerning restrictions related to non-stormwater discharges required under the Town's MS4 obligations.

Mr. DiMatteo explained this is similar in scope to previous amendments to MS4 obligations. Mr. Harris requested a definition of non-stormwater discharge other than rainfall. Mr. DiMatteo read the description that is in the current ordinance. Overboard and DEP Licensed discharges among other 16.4.4.14, Page 137 He pointed out Page 275 of the Ordinance art. 7 in chap 9 is what will be referenced.

The modifications are to comply with MS4 on the State level. Ms. Driscoll-Davis requested clarification on dechlorinated pool discharges. Mr. DiMatteo will ask Town's Shoreline Resource Officer for a reference number. He also mentioned she can attend the public hearing meeting to answer any questions the Board would have.

Other recommendations are as followings: Board members had the following recommendations to Town code 16.4.4.14:

- Missing definitions that are included in 16.9.7 aren't listed in the sample. Vice-Chair Kalmar recommended going back to review definitions that precede the letter "M" and include style enforcement;
- Enforcement authority has an improper code citation and define who code enforcement is.
- Municipality is randomly capitalized and should be made more consistent;
- Code 16.9 7.5 – Change the title;
- Line 119 – Change paragraph wording;
- Line 121 – Make capitalization consistent; and
- Mr. DiMatteo will looking into pesticide spraying.

Jessa Kellogg, Shoreland Resource Officer, will attend the next meeting.



**Mr. Costa moved to schedule a public hearing for Town Code Amendments, Title 16.4.4.14, Non-stormwater Discharge; Title 16.9.7.5 needs to be line 79 change discharge to discharges. MS4 definition in Non-stormwater Discharge for September 29, 2016. Ms. Driscoll-Davis seconded.**

**The motion carried 7-0-0.**

**ITEM 3 - Town Code Amendment - 16.7.3 Nonconformance**

Action: Review amendment. The proposed amendment is a reorganization of the Nonconformance provision within Title 16.

Mr. DiMatteo will consolidate nonconformance articles and present to the Board as “Exhibit B” with “Exhibit A” being in the original format in order for the Board to compare and review. Vice-Chair Kalmar requested to include DEP’s revisions. The Board was in consensus.

**ITEM 4 – Board Member Items**

**A. Committee Updates –**

Ms. Driscoll-Davis gave an update on the Comprehensive Plan. She requested to have the Sign Ordinance brought to the top of their list. She is concerned with the recent bridge closing and would like to bring the bypass issue up on the list as well. Discussion of current flag banners being illegally used. Chair Grinnell commented that Code Enforcement needs to enforce what is currently on the books and she requested the Code Enforcement Officer to go out on Monday to review the issue.

**Mr. Alesse made a motion to adjourn the meeting.**

**Mr. Dunkelberger seconded the motion.**

**The motion carried 7-0-0.**

The Kittery Planning Board meeting of August 25, 2016 adjourned at 7:15 p.m.

Submitted by Mary Mancini, Minute Recorder, on August 30, 2016.

*Disclaimer: The following minutes constitute the author’s understanding of the meeting. Whilst every effort has been made to ensure the accuracy of the information, the minutes are not intended as a verbatim transcript of comments at the meeting, but a summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on the Town of Kittery website at <http://www.townhallstreams.com/locations/kittery-maine>.*